

MOTION BY SUPERVISOR YVONNE B. BURKE

JANUARY 23, 2007

REVISED MOTION FOR AGENDA #3 OF THE NOVEMBER 21, 2006 BOARD MEETING

One of the primary goals of the criminal justice system is to rehabilitate incarcerated individuals and enable their successful reintegration as productive members of society. However, despite the staggering resources allocated to public safety each year, the jail and prison populations continue to grow with extremely high recidivism rates among individuals with prior criminal convictions. According to the Harvard Law Review, as of June 2000 there were 4.1 million individuals on parole or probation nationwide. According to California State Senator Sheila Kuehl, more than 45,000 people return to Los Angeles County each year from the state's prison system. The University of San Francisco Law Review states that "the task of reintegrating the ex-offender into employment is a valuable task for society to undertake because unemployment is strongly correlated with recidivism." Unfortunately, unemployment

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BURKE	_____
KNABE	_____
ANTONOVICH	_____
YAROSLAVSKY	_____

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rates for ex-offenders fluctuate between 70 and 90% and “[it] comes as no surprise that the recidivism rate within the first three years of release is above 66%” according to data from the University of California Law Review and the U.S. Department of Justice. Therefore, if government is going to fully address issues of public safety, it is imperative that we provide true rehabilitation opportunities to reduce the high rate of re-entry. Ensuring equal opportunities to gainful public employment is a major step toward completing rehabilitation.

As one of the largest employer in Southern California, Los Angeles County is in the position to provide qualified ex offenders with a viable opportunity to reintegrate as working and productive citizens. Other jurisdictions including Alameda County, the City of Boston, the City of East Palo Alto, the City of Chicago and the City and County of San Francisco are leading the way by modifying their public employment practices in a responsible, efficient and rational manner that reduces the stigma of potential job seekers who have a prior criminal conviction. For many years, employment applications have required an upfront disclosure of criminal convictions by job applicants. Based on the findings of these other governmental bodies and exhaustive accounts from members of the public, I believe that “upfront disclosure” of criminal convictions on a government employment application can be a substantial deterrent and impediment for a rehabilitated individual seeking honest employment.

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Although the recent Board ordered review of our employment practices produced inconclusive findings with regard to the issue of “upfront disclosure” as a deterrent to employment, it is important to point out that the Department of Human Resources’ report dated August 30, 2006 provided inconclusive evidence that the current application process encouraged or discouraged the formerly convicted from applying. In fact, one of the problems with evaluating current practices has been the lack of adequate data collection for rejected applications by our human resource divisions throughout the County. While I am not advocating the elimination of criminal background checks, I believe that “repositioning the box” along with small modifications to the employment application process can substantially improve our system. Specifically, relocating the criminal conviction disclosure requirement to a later stage in the application process and expanded training of human resources personnel coupled with detailed data collection and the option for a denial explanation can prove valuable toward mitigating any stigma or discrimination.

Of course, there are certain security-sensitive positions in some departments that should be excluded from the revised application process. These departments should include the Auditor-Controller, Chief Administrative Office, Children and Family Services, District Attorney, Human Resources, Office of Education, Probation, Sheriff, Treasurer-Tax Collector, clinical professionals within the Department of Health Services, and other departments as deemed appropriate in order to uphold public safety. While not every position is security-sensitive within these departments, certain positions or classifications could be excluded from the new hiring process as deemed appropriate by the CAO on a case-by-case basis.

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However, it is incumbent on this Board to draw the distinction between employment positions requiring exhaustive criminal background checks and other positions, e.g. cleaning crews, tree trimmers, non-financial clerks, etc., which allows for a more viable employment opportunity for someone with a prior misdemeanor or felony conviction now seeking reintegration as a productive member of society.

I, THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

Direct the Chief Administrative Officer and Department of Human Resources to work in concert with County Counsel to accomplish the following:

- 1) Establish a new human resources policy that would reposition the criminal conviction disclosure requirement from the front end of the employment application process to the post-screening stage, but preceding the interview and any subsequent offer of employment;
- 2) Consistent with the parameters described herein, determine whether any departments, in addition to those already mentioned, should be excluded from the modified employment application process;
- 3) Establish an expanded notification process for employment applicants who may be deemed ineligible due to prior criminal convictions in order to fully disclose the nexus between their prior conviction, their sought employment position and the subsequent denial or rejection;

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- 4) Develop enhanced protocols, training criteria and consistent standards for human resources personnel countywide to clarify the specific criminal convictions which may result in the exclusion of job applicants; and
- 5) Develop a reporting system requiring all departments to routinely collect data about employment applications and the subsequent hiring or rejection of applicants with prior criminal convictions.

I, FURTHER MOVE THAT THE BOARD OF SUPERVISORS:

Direct the CAO and DHR, working in concert with County Counsel, to report back with an amended County ordinance and any rules and regulations necessary to accomplish the aforementioned goals. The amended ordinance language ~~as well as any findings and recommendations regarding a new procurement policy~~ shall be reported back on the Board agenda within 90 days for reading and adoption.

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